

Bill No. 20-05
Concerning: Transmission Facility
Coordination—Amendments
Revised: July 6, 2005 Draft No. 1
Introduced: July 12, 2005
Expires: January 12, 2007
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Praisner

AN ACT to:

- (1) clarify that telecommunication facilities, radio broadcasting towers, and television broadcasting towers are subject to the transmission facility coordinating process; and
- (2) generally amend the law regarding telecommunications facility coordination.

By amending

Montgomery County Code
Chapter 2, Administration
Section 2-58E

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Section 1.** Section 2-58E of the Code is amended as follows:

2 **2-58E. [Telecommunications] Transmission facility coordination.**

3 (a) The Chief Information Officer, must establish and maintain a process to
4 coordinate the location of public and private [telecommunications] transmission
5 facilities in the County. The County Executive must issue regulations to implement
6 this process, including time limits for any review of a siting decision by the CIO or
7 the CIO's designee or contractor, or the [Telecommunications] Transmission Facility
8 Coordinating Group. The Executive may adopt regulations under method (3) to set
9 fees for reviewing and coordinating the siting of each proposed telecommunications
10 transmission facility that requires a building permit, special exception, or other
11 County approval. The regulations may set different fees for certain categories of
12 applicants to reflect different costs to the County to review and coordinate the siting
13 of facilities by that type of applicant. The Executive must establish, and may modify,
14 fee categories by method (2) regulation.

15 (b) As used in this Section:

16 (1) [telecommunications] transmission facility means any
17 telecommunication facility or radio and television broadcasting
18 tower, including any antenna, tower, monopole, or other structure
19 used primarily to receive or transmit wireless voice, data, or
20 image information (or any combination of them):

21 (2) land use agency means the Planning Board, the County Board of
22 Appeals, the Department of Environmental Protection, and any
23 other public agency or body with jurisdiction over the siting of
24 any [telecommunications] transmission facility, including any
25 municipal land use agency or body; and

(3) land-owning agency means any government agency which owns or controls any land on which a [telecommunications] transmission facility is located or proposed to be located.

(c) As part of the coordination process set up under subsection (a), the Director's designee or contractor must:

(1) maintain a database of all [telecommunications] transmission facilities located in the County, including any that the Director knows are proposed to be located in the County;

(2) serve as a central source of information and a technical resource on the siting of [telecommunications] transmission facilities for land use agencies, land-owning agencies, private landowners, telecommunications carriers, and the public;

(3) in order to promote the appropriate and efficient location and co-location of [telecommunications] transmission facilities and minimize any adverse impact on other land uses in the County and on [telecommunications] transmission facilities used by government agencies:

(A) review the siting of each proposed [telecommunications] transmission facility;

(B) advise any land use agency or land-owning agency on the technical rationale at that location for any [telecommunications] transmission facility and whether it qualifies under County land use laws as a public or private use; and

(C) recommend to any land use agency a decision on any pending siting issue, including any appropriate provisions

governing removal of the facility after its useful life concludes and the posting of a bond to guarantee removal;

- (4) assist public participation in the process of siting [telecommunications] transmission facilities; and
- (5) report annually to the County Executive and County Council on [telecommunications] transmission facility siting and policy issues.

(d) (1) The Director must convene a [Telecommunications] Transmission Facility Coordinating Group and select a chair from among its members. The Group consists of the Director's designee or contractor and a designee of:

- (A) the Maryland-National Capital Park and Planning Commission;
- (B) the Office of Management and Budget;
- (C) the cable television administrator in the [Office of Consumer Affairs] Department of Technology Services;
- (D) the Department of Public Works and Transportation;
- (E) the Department of Environmental Protection; and
- (F) any other County, bi-county, or municipal department or agency which the Director invites to send a designee.

(2) The Group must:

- (A) review and comment, with due regard for the schedule in any pending action or proceeding, on any pending [telecommunications] transmission facility policy or siting issue; and
- (B) facilitate communications between the member agencies on transmission facility policy and siting issues. The

79 Group's comments in any quasi-judicial proceeding must
80 be placed on the proceeding record and made available to
81 all parties.

82 (e) Each land-owning agency in County government, and any other land-
83 owning agency which receives County funding, must submit to the
84 Director a [telecommunications] transmission facility location plan. The
85 plan must clearly indicate the location of every existing and the general
86 location of any proposed [telecommunications] transmission facility on
87 land owned or controlled by the department or agency. The department
88 or agency must update the plan each year.

89 (f) Every applicant for a building permit or special exception for a
90 [telecommunications] transmission facility must submit to the Director a
91 [telecommunications] transmission facility location plan if a plan from
92 the applicant is not already on file. The plan must clearly indicate the
93 location of every existing and the general location of any proposed
94 [telecommunications] transmission facility owned or controlled by the
95 applicant. The applicant must update the plan each year. The Director
96 must not disclose any information in the plan which qualifies as
97 confidential under the state public information law to any person except
98 the Director's designee or contractor and the other members of the
99 [Telecommunications] Transmission Facility Coordinating Group, and
100 they must not disclose any such information to any other person.

101 *Approved:*

102 _____
Thomas E. Perez, President, County Council

Date

103 *Approved:*

104

Douglas M. Duncan, County Executive

Date

105 *This is a correct copy of Council action.*

106

Linda M. Lauer, Clerk of the Council

Date